

Methodology for Prioritizing and Ranking Facility Modifications

ADOPTED BY
THE TRIAL COURT FACILITY
MODIFICATION WORKING GROUP,
APRIL 27, 2006



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

This document presents a methodology and process adopted by the Trial Court Facility Modification Working Group on April 27, 2006, for prioritizing and ranking modifications to trial court facilities for which responsibility or title has transferred, or is scheduled to transfer in the forthcoming fiscal year, from county to state jurisdiction.

Priority Categories

Facility modifications are assigned one of six priority categories. These categories, adopted by the Judicial Council in its [December 2, 2005 Report on Facility Modifications Prioritization \(Judicial Council Report\)](#), are based on methods commonly used by private sector facility management firms. Facility modifications that are determined to be priority 1 will be addressed immediately and regardless of whether the court occupies a shared-use facility. Planned priority 2–6 facility modifications requested for court exclusive and shared-use facilities will be assigned an appropriate priority category. Implementation of modifications in shared-use facilities, however, may be dependent on financial participation by the county that occupies space in the building.

Priority 1—Immediately or Potentially Critical. Condition requires immediate action to return a facility to normal operations, or a condition that will become immediately critical if not corrected expeditiously. Such conditions necessitate the need to stop accelerated deterioration or damage, to correct a safety hazard that imminently threatens loss of life or serious injury to the public or court employees, or to remediate intermittent function and service interruptions as well as potential safety hazards. Such conditions may include, but are not limited to, the following: major flooding; substantial damage to roofs or other structural building components; or hazardous material exposure. Depending on scope and impact, a severe deterioration in life safety protection may also be considered a priority 1 condition requiring a facility modification.

Owing to their critical nature, priority 1 requests will be addressed immediately by AOC staff using internal procedures that ensure timely and effective responses to unplanned emergency or potentially critical conditions, including a method and a process for setting aside funds to address priority 1 conditions.

Priority 2—Necessary, but Not Yet Critical. Condition requires correction to preclude deterioration, potential loss of function or service, or associated damage or higher costs if correction is further deferred.

Priority 3—Recommended. Condition to be addressed will reduce long-term maintenance or repair costs or will improve the functionality, usability, and accessibility of a court. The condition is not hindering the most basic functions of a facility, but its correction will support improved court operations.

Priority 4—Does Not Meet Current Codes or Standards. Condition does not conform to current code requirements, yet it complied at the time of initial construction. Such conditions are considered legally nonconforming and are generally not required to be modified to meet current code requirements.

Priority 5—Beyond Rated Life, but Serviceable. Condition is currently adequate but cannot be expected to function as designed in the future.

Priority 6—Hazardous Materials, Managed but Not Abated. Hazardous materials, such as asbestos or lead-based paints, which are currently managed in place but not yet remediated.

Ranking Requests for Priority 2–6 Facility Modifications

Executives of the State’s trial courts will be surveyed annually by AOC staff to document the court’s operational needs, and facility conditions will be assessed by staff and contractors periodically, to identify facility modification requests and requirements for each forthcoming fiscal year. AOC staff will assign a priority category to each modification requested or indicated, develop a preliminary cost estimate, and determine a high-level scope of work for the modification. AOC staff will then prepare a report on pending trial court facility modifications. Each report will include a preliminary ranked list of all pending requests by priority category, including a quantitatively-scored rationale for the ranking. Preliminary ranked lists of all modification requests will be prepared by AOC staff based on the following criteria from the December 2, 2005 Report to Judicial Council on facility modifications:

- priority category
- specific justifications
- effect on court operations, and public and employee safety
- risk management and mitigation
- funding availability
- equity among the courts
- implementation feasibility
- cost/benefit analysis
- design and plan status
- planned major capital improvements
- transfer status (*added by AOC staff*)

The **Priority Category** will be used to create the initial ranking of facility modifications. By assigning point values to the criteria listed above, a score is produced to rank the facility modifications within each priority category. The proposed scoring methodology follows:

Justification and Effect on the Court: This will be a score of between 5 and 50 (with 5 being the court being closed or being significantly impacted and a

50 being a wish list item). *Please note that any number in between 5 and 50 can be used to quantify the justification and the effect this requirement has on the court.* The chart below will assist in determining the correct number.

- | | |
|----|---|
| 5 | court operations are <i>significantly</i> impacted (negatively) |
| 20 | court is operating but at less than standard productivity |
| 35 | court appearance and dignity is diminished by the condition of the facility |
| 50 | a “wish list” item |

Safety, Security, Risk Management: This score works the same way as the *Justification and Effect on the Court* scoring. The focus here is not so much on court operations but on safety, security, and risk management. *Please note that any number in between 5 and 25 can be used to quantify the justification and the effect this requirement has on the court.* The chart below will assist in determining the correct number.

- | | |
|----|------------------------|
| 5 | potential serious risk |
| 20 | no significant risk |
| 25 | no risk |

Funds: This score is driven by the estimated cost of the FM. In contrast to the *Justification and Effect on the Court* and *Safety, Security, Risk Management* scoring charts, the scoring for this criterion is absolute. *Only the numbers specified in the charts from this point forward are utilized for this and all of the subsequent criteria.*

- | | |
|----|--|
| 5 | Total cost estimate less than \$10,000 |
| 10 | Total cost estimate between \$10,000 and \$25,000 |
| 15 | Total cost estimate between \$25,000 and \$50,000 |
| 20 | Total cost estimate between \$50,000 and \$100,000 |
| 30 | Total cost estimate over \$100,000 |

Equity among Courts: This score is used to help ensure that all courts scheduled to transfer obtain at least some FM funding.*

- | | |
|----|--|
| 0 | If Priority 2 |
| 5 | If Court’s highest priority is between 3 and 6 |
| 10 | Court’s second highest priority |
| 15 | Court’s third highest priority |
| 30 | All other FMs for the Court |

*For each full calendar year that the project has been on the list, subtract 5 points (to a minimum score of 10 points).

Feasibility: This score helps rank the easy to implement jobs higher than complex ones.

- | | |
|----|--|
| 10 | Easy to perform with little or no planning or design |
|----|--|

- 15 Requires some planning and design
- 20 Requires major design effort
- 25 Requires major design effort and may not be practical

Cost/Benefit: This criterion allows for FMs that will pay back the cost of the effort over shorter time frames to move up the list by using a negative score. An energy-saving improvement yielding reduced utility bills or an automation project resulting in a demonstrable reduction in labor expenses are good examples. Only facility modifications with a documented cost savings and a payback of less than five years will be considered in criterion.

- 10 Cost pay back of less than 5 years

Design Status: FMs which require no design effort, or are already in design, will receive higher scores than those still requiring design effort.

- 5 Designed, ready to perform
- 15 Designs will be ready within 90 days
- 25 Designs will take more than 90 days to complete

The final two criteria, **Planned Major Capital Improvements** and **Transfer Status**, will utilize a yes/no test for *implementation* of a facility modification project, though this will not affect the ranking of those facility modification requests or needs. In some cases, a facility modification may be implemented even though a major capital project that would address the need is being planned but, for example, has not yet been funded. On the other hand, if a planned major capital improvement will address the facility modification need in a reasonable period of time, the request may not need to be implemented. Similarly, if the facility to be modified has not yet transferred to the State, the request will not be implemented, though it will remain on the list and will be eligible for implementation when it is transferred.

Budget Allocation

The AOC-produced report will be presented to the Trial Court Facility Modification Working Group in advance of each budget year cycle. The Working Group will also consider a proposal by AOC staff to allocate the forthcoming fiscal year's facility modifications budget among the three categories indicated in the Judicial Council report:

1. Priority 1 facility modifications (not subject to ranking)
2. Planned Priority 2-6 facility modifications (represented in the report)
3. Unforeseen and out-of-cycle Priority 2-6 facility modifications (addressed below under Next Steps)

The methodology and process used to produce the ranked report and proposed budget allocation will be reviewed with the Working Group to evaluate the approach and answer any questions. The Working Group will have the opportunity to modify the

prioritization ranking methodology, adjust the allocation of the facility modifications budget among the three categories, make other changes as necessary, or validate the methodology adopted and budget allocation proposed by AOC staff.

[The Working Group has recommended that the \$8.0 million 2006/2007 facility modifications budget be allocated in the following manner:

	(millions)
1. Priority 1 facility modifications	5% = \$0.4
2. Planned Priority 2-6 facility modifications	40% = \$3.2
3. <u>Unforeseen and out-of-cycle Priority 2-6 facility modifications</u>	55% = \$4.4
Total	100% = \$8.0]

In the event a facility modification can be performed using funds from sources other than the facility modifications budget, implementation without regard to the prioritization and ranking methodology may be considered by the Working Group. An example would be the provision of grant funds for the purchase and installation of security equipment. If facility modification funds were required to complete the installation of any equipment, provided it was a Priority 1 modification, the installation would still be eligible to proceed without ranking. If the modification was classified as a Priority 2 or higher, it would be subject to the ranking methodology, though the provision of funds from other sources may favorably impact its ranking placement.

Next Steps

Following review by the Working Group, the report will be made available for court comment by posting to Serranus. All comments will be considered and addressed by the Working Group. All comments and Working Group responses will be presented to the Interim Court Facilities Panel, as part of the final report of the Working Group. The Interim Panel will then consider the report and budget proposal for approval.

The Facility Modifications List (attached) approved by the Interim Panel will be the basis on which the AOC will proceed to implement facility modifications. AOC staff will manage the work from design through construction, inspection, and acceptance. The AOC will work collaboratively with local courts to implement all facility modifications.

Based on changes to the pace of certain facility transfers from county to state jurisdiction and the development of new conditions and needs among the court facilities, the Working Group will confer on a quarterly basis to review unforeseen and out-of-cycle requests for Priority 2-6 facility modifications. The Working Group will have the authority to approve adjustments to the Interim Panel-approved report and, as necessary, reallocate funds among the three facility modifications budget categories. The Working Group will make a quarterly report to the Interim Panel on any such interim cycle adjustments and reallocations.